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OFFICE OF PETITIONS

In re Patent No. 6,963,748 :
Issued: November 8, 2005 :
Application No. 10/037,805 : PATENT TERM ADJUSTMENT
Filed: December 26, 2001 :
Atty. Dkt. No.: 30566.201-US-01 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705," filed January 9, 2006. This matter is being treated under 37 CFR 1.705(d) as a timely filed application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(d) is GRANTED.

The above-identified application matured into U.S. Patent No. 6,963,748 on November 8, 2005. The instant request for reconsideration was timely filed January 9, 2006 in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 347 days. Applicants argue that the adjustment of 563 days should have been reduced a total of 140 days rather than 216 days.

A review of the application history reveals that an adjustment of 563 days can be attributed to the Office. In accordance with 37 C.F.R. § 1.702(a)(1), an adjustment of 547 days can be attributed to the Office. The adjustment began February 27, 2003, the day after the date that is 14 months after the date that the application was filed, and ended August 26, 2004, the date the non-final Office action was mailed. See 37 C.F.R. § 1.703(a)(1).

A further adjustment of 16 days can be attributed to the Office in accordance with 37 C.F.R. § 1.702(a)(4). The adjustment began October 24, 2005, the day after the date that is four months after the date that the issue fee payment was received, and ended November 8, 2005, the date the patent issued. See 37 C.F.R. § 1.703(a)(6).

In accordance with 37 C.F.R. § 1.704(c)(10)(ii), the adjustment of 563 days can be reduced the lesser period of 120 days for the the Rule 312 amendment filed April 7, 2005.

In accordance with 37 CFR 1.704(c)(10)(ii), the adjustment of 563 days is further reduced 20 days, from September 1, 2005, the date the foreign priority papers were filed, to September 21, 2005, the date the Office action in response was mailed.

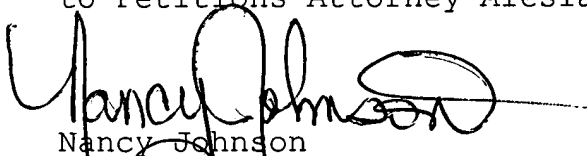
A review of the record confirms that no drawings were filed on June 23, 2005. The reduction of 70 days is removed.

Accordingly, at the time of issuance, the patent was entitled to an overall adjustment of 423 days.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 423 days.

The required application fee of \$200.00 has been charged to Deposit Account No. 50-0494 as authorized in the instant application for PTA.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 6,963,748 B2
DATED : November 8, 2005
INVENTOR(S) : Chithambaram, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 347 days

Delete the phrase "by 347 days" and insert – by 423 days--

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On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 347 days

Delete the phrase "by 347 days" and insert – by 374 days--